

REMARKS

This *Amendment* is in response to the Office Action dated May 23, 2005. In that Office Action, Claims 6, 17, 18, 20-25, 27-41, 46, 48-55 were objected to as being dependent upon a rejected base claim, but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner indicated that claim 26 would be allowable if it is corrected to depend on Claim 22, not Claim 21.

Claims 1-5, 7-16, 19, 42-45, and 47 were rejected under §102(e) as anticipated by or, in the alternative, under §103(a) as obvious over *Baggot* (US 2003/0106657). Claim 47 depends from Claim 46, and it is believed its rejection with this group of claims was a typographical error. Claim 47 is believed allowable since it depends from Claim 46.

By way of the foregoing amendments, Applicant has amended Claims 6, 17, 20, 22, 46, and 48 into independent form including all of the limitations of the base claim(s) and the intervening claims. Likewise, Claims 5, 7-16, 19, 21, 27-41, 45, 47, and 53-55 are amended to depend, directly or indirectly, on Claims 6, 17, 20, 22, 46, or 48. Finally, Claim 26 is amended per the Examiner's comment to depend on Claim 22. As amended, Claims 5-41 and 45-55 are believed in condition for allowance, inasmuch as they have been amended to recite the allowable subject matter indicated in the Office Action.

Applicant resubmits Claims 1-4 and 42-44 in their original form and adds new Claims 69, 70 by way of this *Amendment*. The rejection over *Baggot* (US 2003/0106657) is traversed because Claims 1-4 and 42-44 and new claims 69 and 70 antedate *Baggot*'s potential date as a 102(e)/103(a) reference of November, 2001. More specifically, this application, Serial No. 10/635, 663 filed in August, 2003 (the "*current application*") is a Continuation-in-Part of, among others, United States Application Serial No. 09/709,185, now United States Patent No. 6,455,129 ('185 Parent Application), filed November 9, 2000, which was based on Provisional Patent Application 60/165,080 ('080 Grand-Parent Application), filed November 12, 1999. Moreover, new Claims 69 and 70 specifically claim the **F x L** and **F x D** products range of 1 to 4 literally

recited in the priority documents as is further discussed below in connection with the accompanying exhibits.

In order to antedate a reference which is not a statutory bar, an applicant may establish priority by showing substantial possession of the invention and by showing possession of at least as much as the reference shows. In this regard, "where the differences between the claimed invention and the disclosure of the reference(s) are so small as to render the claims obvious over the reference(s), an affidavit or declaration under 37 CFR §1.131 is required to show no more than the reference shows." MPEP §715.02; *In re Stryker*, 435 F.2d 1340, 168 USPQ 372 (CCPA 1971). In the *current application*, the Examiner rejected Claims 1-4 and 42-44 under §102(e)/103(a) because they described an absorbent paper product which was embossed in a similar way as disclosed by *Baggot*. According to the Examiner, *Baggot's* application had effectively disclosed the "product $F \times L = 1.0$, which reads on all the claimed ranges of $F \times L$ [of the Applicant as well]". *Office Action*, p. 3. Additionally, the Examiner used the $F \times L = 1.0$ value to show that *Baggot's* "product of $F \times D$ for [the given example] reads on all the claimed ranges $F \times D$ [of the Applicant]". *Id* at 4. However, the disclosure of $F \times L$ and $F \times D$ products range of 1 to 4 antedates *Baggot*.

The Grand-Parent and Parent Applications both antedate *Baggot* with respect to the subject matter of Claims 1-4 and 42-44, substantially supporting the claimed ranges and literally disclosing the ranges in the new claims 69 and 70. While the Grand-Parent and Parent Applications specifically discuss embossments on the paper products, the dimensions seen are necessarily derived from the embossing elements as can be appreciated from the attached **Exhibit 1** hereto, which is **Figure 12** of the Grand-Parent Application. **Figure 12** is a photomicrograph of an embossed paper towel having a biaxially undulatory structure, whereas **Exhibit 2, Figure 12** of the Parent Application of November 2000, is a schematic diagram prepared on the basis of **Exhibit 1**.

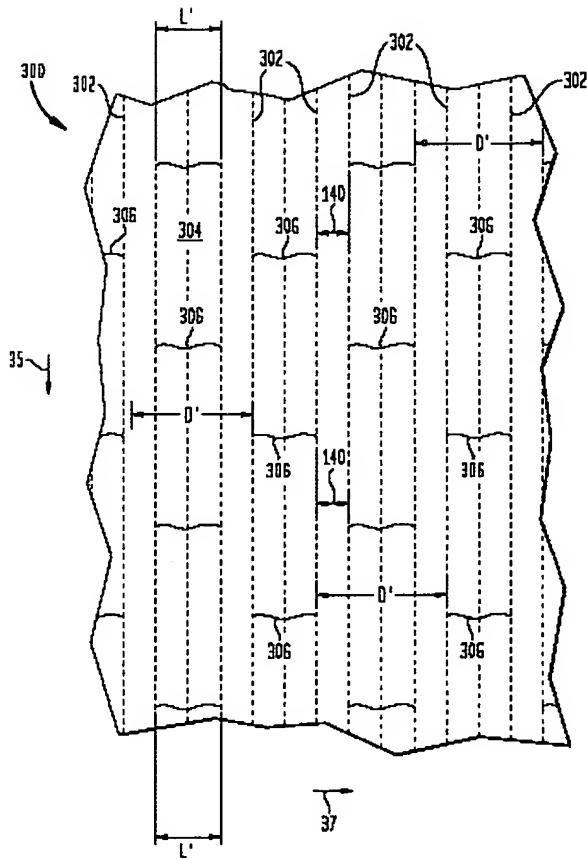
In these **Figures**, **S** denotes the distance between ridges in the towel (i.e. $1/F$ in the *current application*) and **W** indicates the cross direction length of the embossment, which corresponds to the CD length, **L**, of the embossing nip in the *current application*. The individual

embossments are spread apart a distance, **D**; defined in the same manner in the *current application*.

As shown in **Exhibits 1 and 2** and described in the corresponding texts in '080 and '185 of Grand-Parent and Parent Applications (*See* copy of '080 Grand-Parent Application – **Exhibit 3**), each individual secondary embossment, **116** in **Figure(s) 12**, has width, **W**, while the distance between the individual embossments is **D**, on a towel having ridges at frequency **1/S**. The '080 Grand-Parent Application specifically states that "at least one of the ratios of **W:S** and **D:S** is from about **1** to about **4**." '080 Grand-Parent Application, p.19, ll. 3-5.

The *current application* describes an embossed paper product with primary ridges and additional secondary embossment arrangements as well. *Note Figure 24 of current application* reproduced below. The primary ridges are illustrated as vertical perforated lines, spaced distance **1/F** from each other in **Figure 24**. The secondary embossment arrangements, created by nips that are formed between adjacent embossing elements of embossing rolls, are illustrated as **306** in **Figure 24**.

FIG. 24



302 – The perforated vertical lines illustrate the ridges on a sheet of paper (machine-direction).

140 – Illustrates the distance between the ridges on a sheet of paper (i.e. **140** illustrates 1/F). See *Application*, p.54, ll. 7-9

306 – The wavy shapes illustrate the embossments formed by embossing rolls. These embossments have length L' . The embossments are located within distance D' of each other. See *Application*, p.54, ll. 11, 14-17, and 18.

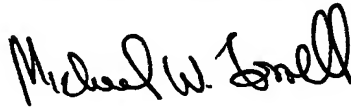
It is shown in **Figure 24** (and the corresponding text of the *current application*), that the distance between the primary ridges is $1/F$, which corresponds to **S**. *Application*, p. 54; ll. 8-10; **Figure 24**. Further, the *current application* describes each individual secondary embossment with “length, **L**, wherein the product **F x L** is from about **0.1** to about **5**” and spacing between the secondary embossments as “**D**, with the proviso that . . . the product **F x D** is between about **0.1** and about **5**.” *Current application* p.55, l. 18-19, p. 61, l. 1-3. However, since $1/F$ corresponds to **S**, *supra*; the resulting relation between the different types of embossment patterns (primary and secondary) in the *current application* can be rewritten in the form of **W:S** and **D:S** ranging from about **0.1** to about **5**; a difference of about 1 on each end of the range disclosed in the Grand-Parent and Parent Applications. In other words, the ratios **W:S** and **D:S** were specifically disclosed to range **from about 1 to about 4** in ‘080 Grand-Parent Application dated November

1999, and therefore, were substantially disclosed to be in the range from 0.1 to 5 as is claimed in the *current application*.

Applicant's disclosure of the relationship between the primary ridges and embossment patterns is much more specific than *Baggot's* application and precedes it by at least two years. Therefore, in light of MPEP §715.02 and *In re Stryker*, the subject matter of Claims 1-4 and 42-44 described in the *current application* antedates *Baggot*. Accordingly, Claims 1-4 and 42-44 are believed allowable in their original form. New Claims 69 and 70 specifically recite that the products **F x L** and **F x D** range from about 1 to about 4, claiming ranges literally disclosed in the Grand-Parent and Parent Applications.

This response is believed timely filed. If any additional extensions are required, please consider this paper a *Petition* therefor and charge our Deposit Account No. 50-0935. Likewise, please charge our Deposit Account if fees for additional claims are required.

Respectfully submitted,



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